

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MARY J. CINELLI	:	CIVIL ACTION NO. 1:04-CV-2108
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
JO ANNE B. BARNHART, Commissioner of Social Security Administration	:	
	:	
Defendant	:	

ORDER

AND NOW, this 15th day of November, 2005, upon consideration of the report and recommendation of the magistrate judge (Doc. 23), to which no objections were filed, and following an independent review of the record, and it appearing that the administrative law judge adequately addressed the medical opinion of plaintiff's treating physician before rejecting the opinion because it was inconsistent with the medical evidence of the record, see Jones v. Sullivan, 954 F.2d 125, 128-29 (3d Cir. 1991) (holding that the administrative law judge correctly rejected the opinions of the treating physicians because they were unsupported by the medical evidence and were contradicted by state agency physicians), and that the administrative law judge posed proper hypothetical questions to the vocational expert, see Chrupcala v. Heckler, 829 F.2d 1269, 1276 (3d Cir. 1987) (stating that a hypothetical question must reflect the impairments supported by the record); Rutherford v. Barnhart, 399 F.3d 546, 554 (3d Cir. 2005) (stating that an

administrative law judge is not required “to submit to the vocational expert every impairment *alleged* by a claimant”); DeCarlo v. Barnhart, 116 F. App’x 387, 390-91 (3d Cir. 2004) (affirming the administrative law judge’s decision to refrain from including unsupported limitations in a hypothetical question), it is hereby ORDERED that the report and recommendation of the magistrate judge (Doc. 23) is ADOPTED and plaintiff’s appeal from the decision of the Commissioner of Social Security (Doc. 1) is DENIED. The Clerk of Court is directed to CLOSE this file.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge